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June 30, 2023

VIA ECF

SO ORDERED.

Hon. Alvin K. Hellerstein
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

/s/ Alvin Hellerstein
July 5, 2023

Re: *The Avon Company f/k/a New Avon LLC et al. v. Fareva Morton Grove, Inc. et al.*,
Case No. 22-cv-4724

Dear Judge Hellerstein:

We represent Plaintiffs The Avon Company f/k/a New Avon LLC and LG H&H Co. Ltd. f/k/a LG Household & Health Care, Ltd. (collectively, "Avon" or "Plaintiffs") in the above referenced matter.

We write to respectfully request that the Court enter an order maintaining under seal the documents discussed below, which Avon is submitting as Exhibits in support of Plaintiffs' Motion for Partial Summary Judgment Or, In the Alternative, to Compel Defendants to Respond to Plaintiffs' Third Set of Interrogatories ("Plaintiffs' Motion"). Copies of these documents are being contemporaneously filed under seal pursuant to the Court's standing order, 19-mc-00583, and this Court's Individual Rule 4(B)(ii). In support of this Letter Motion, Avon states as follows:

On October 7, 2022, this Court entered a Stipulated Confidentiality Agreement and Protective Order (the "Protective Order"). (ECF No. 65.) The Protective Order permits either party to designate Discovery Material as "Confidential" or "Attorneys' Eyes Only," and further permits either party to designate portions of deposition transcripts as "Confidential" or "Attorneys' Eyes Only" by indicating on the record during the deposition that a question calls for Confidential or Attorney's Eyes Only information, or notifying the reporter and all counsel of record, in writing, within 30 days after a deposition has concluded, of the specific portions of the transcript that are to be designated Confidential or Attorneys' Eyes Only. (*d.* ¶¶ 2, 4, 12.) Pursuant to Paragraph 4 of the Protective Order, "[d]uring the 30-day period following a deposition, all Parties will treat the entire deposition transcript as if it had been designated Confidential." (*Id.* ¶ 4.)

In support of a Plaintiffs' Motion, Avon intends to submit the following documents as Exhibits to the Declaration of David I. Zalman, dated June 30, 2023 (the "Zalman Declaration" or "Zalman Decl."):

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1. A letter produced by Fareva in this action Bates stamped FMG_00007048 – FMG_00007049, which Fareva designated as “Confidential” (Zalman Decl. Ex. 2);
2. A letter produced by Fareva in this action Bates stamped FMG_00007036 – FMG_00007037, which Fareva designated as “Confidential” (Zalman Decl. Ex. 3);
3. A letter produced by Fareva in this action Bates stamped FMG_00007117 – FMG_00007118, which Fareva designated as “Confidential” (Zalman Decl. Ex. 5);
4. A letter produced by Fareva in this action Bates stamped FMG_00007050 – FMG_00007051, which Fareva designated as “Confidential” (Zalman Decl. Ex. 9);
5. An email produced by Fareva in this action Bates stamped FMG_00030511, which Fareva designated as “Attorneys’ Eyes Only” (Zalman Decl. Ex. 10);
6. A letter produced by Fareva in this action Bates stamped FMG_00390981 – FMG_00390982, which Fareva designated as “Confidential” (Zalman Decl. Ex. 11);
7. A letter produced by Fareva in this action Bates stamped FMG_00007140 – FMG_00007141, which Fareva designated as “Confidential” (Zalman Decl. Ex. 12);
8. A letter produced by Fareva in this action Bates stamped FMG_00007033, which Fareva designated as “Confidential” (Zalman Decl. Ex. 13);
9. A letter produced by Fareva in this action Bates stamped FMG_00006917 – FMG_00006919, which Fareva designated as “Confidential” (Zalman Decl. Ex. 14); and
10. Excerpts of the transcripts of the depositions of: (i) Andreea Bighirel, held on June 27, 2023 (Zalman Decl. Ex. 18); (ii) Courtney Kelly, held on June 9, 2023 (Zalman Decl. Ex. 19); (iii) Bill Wiggins, held on June 1, 2023 (Zalman Decl. Ex. 20); and (iv) Bryan Anderson, held on June 6, 2023 (Zalman Decl. Ex. 21). To date, Fareva has not designated any portions of these deposition transcripts as either Confidential or Attorneys’ Eyes Only. Accordingly, pursuant to Paragraph 4 of the Protective Order, those transcripts are to be treated as Confidential in their entirety until the conclusion of the applicable 30-day period.

In addition to submitting the foregoing documents as Exhibits, Avon intends to reference, quote, and rely upon such documents and testimony in the following documents in support of Plaintiffs’ Motion:

1. Plaintiffs’ Statement of Undisputed Material Facts in Support of Their Motion for Partial Summary Judgment, dated June 30, 2023; and

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2. The Memorandum of Law in Support of Plaintiffs' Motion for Summary Judgment or, in the Alternative, to Compel Defendants to Respond to Plaintiffs' Third Set of Interrogatories, dated June 30, 2023.

By making this sealing request, Avon is not contending that good cause exists to designate any of the foregoing materials as Confidential or Attorneys' Eyes Only within the meaning of the Protective Order. Instead, Avon merely seeks to comply with its obligations under the Protective Order to file under seal documents that Fareva has designated or may designate as Confidential or Attorneys' Eyes Only.

Accordingly, Avon respectfully requests that the Court maintain such documents under seal, subject to any contrary request by Fareva at any time. With Fareva's permission, Avon is prepared to re-file the foregoing documents or portions thereof publicly.

Thank you in advance for your consideration of this request.

Respectfully submitted,

/s/ Robert I. Steiner
Robert I. Steiner

cc: All Counsel of Record (via ECF)